

***Case No COMP/M.4373 -
OTTO / CDISCOUNT /
JV***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 07/11/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07/11/2006

SG-Greffe(2006) D/206638

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam and/or Sir,

**Subject: Case No. COMP/M.4373 – Otto / Cdiscount / JV
Notification of 29.09.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C241,
06.10.2006, page 8.**

1. On 29.09.2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Otto GmbH & Co KG (“Otto”, Germany) and Cdiscount SA (“Cdiscount”, France), belonging to the Rallye group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Discunt24 GmbH & Co KG (“Discount24”, Germany), up to now solely controlled by Otto, by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
 - for Otto: sale of non-food products by mail order and via the Internet in several different Member States;
 - for Cdiscount: sale of non-food products via the Internet in France;
 - for Discount24: sale of non-food products via the Internet in Germany.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No. 139/2004.

For the Commission
signed
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32